

E-Filed 09/09/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRYSTAL ANN POOLE,

No. C 10-02668 RS

Plaintiff,

v.

ORDER

UNITED STATES OF AMERICA,

Defendant.

On August 3, 2010, the Court entered an order of dismissal and judgment in favor of the United States due to pro se plaintiff Chrystal Ann Poole's failure to pay the requisite filing fee of \$350.00. Poole filed a request to vacate the judgment on August 19, 2010. The Court considers Poole's request to be a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b), which must be made "within a reasonable time" and may be granted if the moving party shows "mistake, inadvertence, surprise, or excusable neglect." Fed. R. Civ. P. 60(b); *see also*, *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985). As Poole maintains in her motion, the Court's docket reflects that Poole paid the \$350.00 filing fee on August 3, 2010, the same day that the Court entered its judgment in favor of the United States. In light of the liberal construction of procedural requirements afforded to pro se litigants, *see Abassi v. INS*, 305 F.3d 1028, 1032 (9th Cir. 2002), and given the lack of any response from the United States on Poole's request, the Court hereby grants plaintiff relief from its previously entered order of dismissal and vacates the judgment entered on August 3, 2010. The clerk is directed to reopen the above entitled action.

No. C 10-02668 RS

IT IS SO ORDERED.

Dated: 09/09/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

THIS IS TO CERTIFY THAT A HARD COPY OF THIS ORDER WAS MAILED TO:

Crystal Ann Poole
P.O. Box 6913
San Pablo, CA 94806-6913

DATED: 09/09/2010

/s/ Chambers Staff
Chambers of Judge Richard Seeborg

* Counsel are responsible for distributing copies of this document to any co-counsel who have not registered with the Court's electronic filing system.

No. C 10-01776 RS
ORDER